



Rule 34, ‘control’ does not require that the party have legal ownership or actual physical possession of the documents; rather, documents are considered to be under a party’s control when that party has the right, authority, or practical ability to obtain the documents from a non-party to the action.”) (internal quotations omitted). Plaintiff is reminded that if Defendants do not have legal possession, custody, or control of Wanata’s document, Plaintiff can serve a Rule 45 subpoena on Wanata. *See* Fed. R. Civ. P. Rule 45.

The parties are warned again that failure to cooperate in discovery may result in the apportioning of costs under Federal Rules of Civil Procedure 16 and 37(a)(5)(A)-(C) and/or the Court’s inherent authority.

**SO ORDERED.**

Dated: June 3, 2020  
New York, New York

*s/ Ona T. Wang*

**Ona T. Wang**  
United States Magistrate Judge